

# Wetlands Bureau Decision Report

Decisions Taken  
07/25/2011 to 07/31/2011

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2010-02933                      NH DEPT OF TRANSPORTATION**  
**ALSTEAD   Warren Brook**

### Requested Action:

Request to amend plans reducing impacts by 3,633 sq. ft.

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### Conservation Commission/Staff Comments:

Cons. Comm. - no comment

### APPROVE AMENDMENT:

Reconstruct 2.4 miles of NH Rte 123 including drainage improvements, guardrails, utility work and bridge work impacting 51,753 sq. ft. (15,199 sq. ft. temporary) of riverine and palustrine wetlands. (NHDOT project #14540M)

### With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design revised 14-April-2011 as received by the Department on April 22, 201.
2. A detail plan of the proposed overflow pipe and associated work near STA 134 to 135 shall be submitted prior to construction.
3. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau at least 10 working days in advance of the meeting to be held as required by permit condition #3. Those plans shall be complete and shall include details regarding the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site, at the NHDES Office in Concord, N.H. or NHDOT Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. This permit is contingent upon the submission of stamped engineering plans relative to and specifically addressing each requirement of rule Env Wt 404.04 for the bank stabilization design and shall be received prior to any construction.
6. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
7. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Construction equipment shall not be located within surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.

16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
18. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
19. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
20. The impacts associated with the temporary work shall be restored immediately following construction.
21. Stream bank planting areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
22. Planting plan near station 124+00 shall incorporate hemlock (*Tsuga canadensis*).
23. The applicant is to coordinate with NH Fish and Game Dept. to assure there are no impacts to the restoration area near Griffin Hill Road.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) and (i), disturbance of more than 20,000 sq. ft. of nontidal wetlands or banks and more than 200 linear feet of impacts to a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The amended plans have reduced the previously approved impacts by 3,633 sq. ft.

**2011-00349**

**BUELL, DEEMS/JILL**

**GILFORD Lake Winnepesaukee**

Requested Action:

Construct a 4 ft x 30 ft permanent dock adjacent to an existing 45 ft breakwater and a 6 ft x 30 ft crib dock each connected to an existing 6 ft x 40 ft crib dock by a 4 ft x 18 ft walkway in a "W" configuration, and install two 15 ft x 30 ft seasonal canopies. Remove an existing 4 ft x 16 ft seasonal dock located on the southerly edge of the property and install a 6 ft x 40 ft seasonal dock in the same location, on an average of 303 ft of frontage on Lake Winnepesaukee, in Gilford.

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Conservation Commission/Staff Comments:

Con Com submitted comments

- 1) easement should be recorded for docks across property line
- 2) canopy plans should be submitted
- 3) authorization from Lot 6 waiving setback

APPROVE PERMIT:

Construct a 4 ft x 30 ft permanent dock adjacent to an existing 45 ft breakwater and a 6 ft x 30 ft crib dock each connected to an existing 6 ft x 40 ft crib dock by a 4 ft x 18 ft walkway in a "W" configuration, and install two 15 ft x 30 ft seasonal canopies. Remove an existing 4 ft x 16 ft seasonal dock located on the southerly edge of the property and install a 6 ft x 40 ft seasonal dock in the same location, on an average of 303 ft of frontage on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with dock detail plans by Deems Buell dated January 30, 2011, as received by the NH Department of Environmental Services (DES) on February 14, 2011 and breakwater plans as received by the Department on July 01, 2011.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to

performing any repair.

5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. This permit does not allow for maintenance dredging.
8. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
9. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
10. The minimum clear spacing between cribs shall be 12 feet.
11. Seasonal pier shall be removed from the lake for the non-boating season.
12. No portion of the seasonal pier shall extend more than 40 feet from the shoreline at full lake elevation.
13. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
14. Seasonal canopies shall not exceed 20 ft in height above full lake elevation of 504.32.
15. All activities shall be in accordance with the Shoreland Water Quality Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 303 feet of frontage along Lake Winnepesaukee.
3. A maximum of 5 slips may be permitted on this island frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. The applicant submitted abutter permission for the docking structure located within the abutters 20 ft setback.
6. The applicant addressed the local Conservation Commission's concerns submitted to the application.
7. The applicant submitted information to support the need to use cribs to support the permanent docking structure.

-Send to Governor and Executive Council-

**2011-00425                      ALTARIA LLC**  
**LEBANON   Unnamed Wetland**

Requested Action:

Dredge and fill 28,339 square feet of palustrine forested and emergent wetland, and temporarily impact 3,605 square feet of wetland, to redevelop an existing 15 acre site (Wilson Tire site) into a Planned Unit Development (Phase I) that will include a 120 room hotel and several retail/office buildings. In addition, a 9-lot Planned Business Park (Phase II) will be constructed on a 51 acre area with no wetland impacts. Wetland impacts for the current phase and potential impacts for a future phase (Phase III) will be mitigated by executing a conservation easement on 223 acres of undeveloped land known as Rix Ledges, or an in-lieu fee payment will be made into the Aquatic Resource Mitigation (ARM) Fund of \$106,949.43 (see Letter of Credit/Agreement).

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Conservation Commission/Staff Comments:

This approval is contingent on receipt of a final signed copy of the "Irrevocable Letter of Credit #7009236". The final signed letter of credit shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

Wetland impacts for the current phase and potential impacts for a future phase (Phase III) will be mitigated by executing a conservation easement on 223 acres of undeveloped land known as Rix Ledges, or an in-lieu fee payment will be made into the Aquatic Resource Mitigation (ARM) Fund of \$106,949.43 (see Letter of Credit/Agreement).

Inspection Date: 11/08/2010 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill 28,339 square feet of palustrine forested and emergent wetland, and temporarily impact 3,605 square feet of wetland, to redevelop an existing 15 acre site (Wilson Tire site) into a Planned Unit Development (Phase I) that will include a 120 room hotel and several retail/office buildings. In addition, a 9-lot Planned Business Park (Phase II) will be constructed on a 51 acre area with no wetland impacts. Wetland impacts for the current phase and potential impacts for a future phase (Phase III) will be mitigated by executing a conservation easement on 223 acres of undeveloped land known as Rix Ledges, or an in-lieu fee payment will be made into the Aquatic Resource Mitigation (ARM) Fund of \$106,949.43 (see Letter of Credit/Agreement).

With Conditions:

1. All work shall be in accordance with revised plans by Engineering Ventures dated June 28, 2011, as received by the NH Department of Environmental Services (DES) on June 30, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This approval is contingent on receipt of a final signed copy of the "Irrevocable Letter of Credit #7009236". The final signed letter of credit shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. This approval is contingent on approval by the DES Alteration of Terrain (AoT) Bureau for the Phase I Planned Unit Development. The Phase II Planned Business Park will require a separate AoT Permit prior to its construction.
5. The applicant shall notify in writing DES Wetlands Bureau and the Lebanon Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
15. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

MITIGATION CONDITIONS:

16. This permit is contingent upon the execution of a conservation easement on 223 acres of undeveloped land as depicted on plans received by DES on February 2011; otherwise, a one-time payment of \$106,949.43 shall be made into the DES Aquatic Resource Mitigation (ARM) Fund prior to permit expiration.
17. During the permit period, the Permittee will provide to NHDES quarterly updates relative to the status of local permit applications for Phase I and Phase II. The mitigation requirement for this project shall be carried out within 120 days from receipt of all local permits and completed prior to permit expiration.
18. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
19. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to permit expiration.
20. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain

photographic documentation of the easement area, and shall be submitted to the DES and the grantee to serve as a baseline for future monitoring of the easement area.

21. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.

22. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

23. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of DES (including remediation and fines).

**With Findings:**

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(c), as wetland impacts are greater than 20,000 square feet in the aggregate.

2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES staff conducted a field inspection of the proposed project on November 8, 2010 and found that several wetland drainages surrounding the existing development appear to be man-made with minimum functions and values.

6. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resources, as identified under RSA 482-A:1.

7. The applicant has reviewed on-site options for mitigation and the department has determined that placing a conservation easement on 223 acres of undeveloped land meets the intent of the Mitigation Rules Chapter 800, and that this project also qualifies for payment to the Aquatic Resource Mitigation (ARM) Fund should the conservation easement fail to be established (see Letter of Credit/Agreement).

8. If an in-lieu fee is required, the payment calculated for the proposed wetland loss equals \$106,949.43.

9. If an in-lieu fee is required, the payment into the ARM fund shall be deposited in the DES fund for the "Connecticut-White River to Bellows Falls" watershed per RSA 482-A:29.

10. The department decision is issued in letter form and upon receipt of the final signed copy of the "Irrevocable Letter of Credit #7009236", the department shall issue a posting permit in accordance with Env-Wt 803.08(f).

**2011-00698 UNITED STATES COAST GUARD  
NEW CASTLE Piscataqua River**

**Requested Action:**

Install eight (8) 18" dia. steel pipe piles into drilled rock sockets, impacting a total of 1,716 sq. ft., in the underlying soil and bedrock, fill the piles with concrete and install two (2) 66 ft. x 13 ft. x 2 ft. concrete floating modules to construct a wave suppression system located between the existing UNH Pier and the USCG Boathouse necessary to prevent future operational restrictions on the existing boathouse and to provide protection for the USCG search & rescue vessels in the boat basin near the mouth of the Piscataqua River.

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**Conservation Commission/Staff Comments:**

No report or comments on this application were received from the New Castle Conservation Commission.

Inspection Date: 07/22/2011 by Frank D Richardson

**APPROVE PERMIT:**

Install eight (8) 18" dia. steel pipe piles into drilled rock sockets, impacting a total of 1,716 sq. ft., in the underlying soil and bedrock, fill the piles with concrete and install two (2) 66 ft. x 13 ft. x 2 ft. concrete floating modules to construct a wave suppression system located between the existing UNH Pier and the USCG Boathouse necessary to prevent future operational restrictions on the existing boathouse and to provide protection for the USCG search & rescue vessels in the boat basin near the mouth of the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Appledore Marine Engineering, Inc. dated March 2011, as received by the NH Department of Environmental Services (DES) on April 06, 2011.
2. Any further alteration of areas in the environs of this project that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with DES Land Resources Management Program staff (specifically the Wetlands Bureau Southeast Region staff), the USCG, the USACoE, the NMFS and the UNH Marine Program at the project site to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. The applicant shall ensure that UNH Marine Program laboratory seawater intakes, located in the boat basin, are not damaged during the installation of the wave suppression system.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate construction area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. The permittee will remove the rubber tire breakwater from the navigable waters and properly dispose of it. If the applicant determines that it is more beneficial to retain the tire breakwater, they may request a modification of the permit.
8. Removal of the "old tire barrier" shall occur during the seasonal dredging window of November 15 and March 15.
9. Install mooring tackle using "eelgrass friendly" technology on all moorings in current use within the boat basin. Remove mooring tackle from all other moorings in the boat basin and notify owners (if known) that the future use of these moorings will require "eelgrass friendly" technology.
10. Annual eelgrass monitoring surveys shall be conducted during the 4 summers following construction and reports will be provided to the DES Wetlands Bureau in a format consistent with the "Eelgrass Delineation and Habitat Characterization Survey for Wave Attenuator Project" prepared by MER Assessment Corporation, dated 15 July 2011.
11. The surveys shall begin the year following completion of the permitted work.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands & (j) construction of a breakwater in public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 22, 2011. Field inspection determined this project is needed to abate the wave climate currently resulting in adverse conditions at the US Coast Guard facility.
6. The preexisting Cutter Pier, which was located between the boat basin and the Piscataqua River, was supported by large cribs and had a long wave barrier attached to it. This structure was removed by UNH and replaced with a much shorter pier with no wave barrier.
7. Finding #6 has resulted in a different wave climate in the boat basin and may be a factor in the current eelgrass distribution and eelgrass habitat colonization in the boat basin.
8. Moorings in the westerly portion of the boat basin, which heretofore have caused scouring and removal of eelgrass by the sweeping of mooring pendants or chain, will be replaced with modified moorings specifically designed with "eelgrass friendly" technology to eliminate this condition.
9. If the removal of the "old tire barrier" is determined to contribute to the enhancement of eelgrass habitat in the area, this will provide non-compensatory mitigation for the project.
10. This project is necessary to prevent future operational restrictions on the existing USCG boathouse and to provide protection for the USCG search & rescue vessels in the boat basin near the mouth of the Piscataqua River.

-Send to Governor and Executive Council-

**2011-00738                      TOWN OF BETHLEHEM**  
**BETHLEHEM   Ammonoosuc River**

**Requested Action:**

Impact 2,600 square feet of the banks of the Ammonoosuc River to repair Prospect Street Bridge. Work in jurisdiction includes 1,150 square feet of the temporary impacts that will be restored.

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**APPROVE PERMIT:**

Impact 2,600 square feet of the banks of the Ammonoosuc River to repair Prospect Street Bridge. Work in jurisdiction includes 1,150 square feet of the temporary impacts that will be restored.

**With Conditions:**

1. All work shall be in accordance with plans by H.E. Bergeron Engineers, Inc., entitled Prospect Street Bridge over the Ammonoosuc River C1.11 dated March 31, 2011 as received by DES on April 11, 2011 and C5.11; V1.11 dated June 14, 2011 as received by DES on July 12, 2011.
2. The Town of Bethlehem shall obtain easements from affected landowners and shall supply copies of the easements to DES Wetlands File No. 2011-00738 prior to construction.
3. Temporary impacts shall be restored to pre-construction conditions.
4. Angular rip-rap or gravel shall not be placed in the stream channel.
5. Work shall be done during low flow.
6. The Permittee shall monitor the weather and not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
15. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
21. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized



within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

24. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

25. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

26. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

**With Findings:**

1. This is a Major Project per Administrative Rule Env-Wt 303.02( (i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The bridge is on the NHDOT Municipal Red List of Bridges.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the NH Natural Heritage Bureau.
7. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

**2011-00889                      MERCHANT, ROBERT/SANDRA**  
**LACONIA   Lake Winnepesaukee**

**Requested Action:**

Remove a 2 ft 9 in x 22 ft 10 in finger pier, a 2 ft 2 in x 10 ft 8 in walkway, and at least 2 ft 10 in of width from 39 ft 4 in of an existing piling pier. Construct a 3 ft 2 in x 21 ft finger pier and a 14 ft x 30 ft seasonal canopy connected by a 3 ft 2 in x 26 ft walkway to the remaining 5 ft 9 in x 45 ft piling pier accessed by a 10 ft x 21 ft walkway and protected by 67 linear ft of breakwater on an average of 100 ft of frontage on Lake Winnepesaukee in Laconia.

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**Conservation Commission/Staff Comments:**

No comments from Con Com by June 22, 2011

**APPROVE PERMIT:**

Remove a 2 ft 9 in x 22 ft 10 in finger pier, a 2 ft 2 in x 10 ft 8 in walkway, and at least 2 ft 10 in of width from 39 ft 4 in of an existing piling pier. Construct a 3 ft 2 in x 21 ft finger pier and a 14 ft x 30 ft seasonal canopy connected by a 3 ft 2 in x 26 ft walkway to the remaining 5 ft 9 in x 45 ft piling pier accessed by a 10 ft x 21 ft walkway and protected by 67 linear ft of breakwater on an average of 100 ft of frontage on Lake Winnepesaukee in Laconia.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 31, 2011, as received by the Department on May 9, 2011.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water except as authorized in

writing by the owner of the property identified as Laconia Tax Map 148, Block 271, Lot 17 on April 5, 2011.

6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No work is authorized on the existing breakwater.
8. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
9. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
10. The seasonal personal watercraft lifts shall be removed for the non-boating season.
11. This permit does not allow dredging for any purpose.
12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a docking facility associated with an existing breakwater.
2. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. There is no evidence that the existing breakwater has impacted sand migration along this shoreline.
7. The Applicant has met the requirements of Rule Part Env-Wt 204, Waivers, for the granting of a waiver of Rule Env-Wt 402.21, Modification of Existing Structures.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2005-02940 C/O WATERFORD DEVELOPMENT ALLIANCE RESOURCES INC**  
**MANCHESTER Unnamed Wetland**

Requested Action:

Request to waive Env Wt 204.03(a), 204.04(a) and b) and 502.01; and to grant time extension for permit to expire on May 9, 2001.

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APPROVE TIME EXTENSION:

Request to waive Env Wt 204.03(a), 204.04(a) and b) and Env Wt 502.01; and to grant time extension for permit to expire on May 9, 2011.

Dredge and fill 3,333 square feet of palustrine scrub-shrub wetlands (which includes 2,205 square feet of permanent wetlands impact, 698 square feet of temporary wetlands impact and 430 square feet of wetlands restoration) to provide access and utilities to a 487 unit residential condominium development known as "The Neighborhoods at Woodland Pond". Wetland impacts consist of the following five wetland crossings: Wetland Filling Area #1 consists of filling and grading for road access; Wetland Filling Area #2 consists of installation of a 24-inch x 38-foot HDPE culvert, headwalls and associated grading for road access; Wetland Filling Area #3 consists of temporary impacts for sewer line installation; Wetland Filling Area #4 consists of installation of two 24-inch x 33-foot HDPE culverts, headwalls and associated grading for road access; Wetland Filling Area #5 consists of installation a 24-foot open

bottom con-span bridge (6-foot rise x 24-foot span x 32-foot length), associated footings and headwalls for road access and construction of an approximately 12-foot wide temporary access road. In addition, two existing wetland crossings adjacent to Wetland Filling Area #4 and Wetland Filling Area #5 will be restored to scrub-shrub wetlands.

With Conditions:

1. All work shall be in accordance with plans prepared by Hayes Engineering, Inc., "Existing Conditions Plan", dated October 26, 2005, as received by the Department on December 14, 2005, "Site Specific Permit Proposed Condition Plan" sheets C1 and C2, revision dated April 25, 2006, as received by the Department on April 27, 2006, "Wetland Filling" plan, revision dated April 25, 2006, "Wetland Crossing" plan sheet C31, revision dated February 15, 2006 and "Wetland Crossing" plan sheet WD-1, dated April 25, 2006, as received by the Department on May 1, 2006. Additionally, all work shall be in accordance with narratives submitted by Gove Environmental Services, Inc., dated November 2005, as received by the Department on December 14, 2005, dated January 27, 2006, as received by the Department on January 31, 2006, dated April 24, 2006, as received by the Department on May 1, 2006 and dated May 8, 2006, as received by the Department on May 8, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the condominium units and all other areas identified on the subject property conveyed to the condominium association shall contain project specific condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the County Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. All proposed restoration of temporary and existing wetland impacts areas shall coincide with the completion of each wetland crossings. A monitoring report including photographs and narratives documenting the success of the restoration shall be prepared by a Certified Wetland Scientist (CWS) and submitted to the Department within 60 days of completion of the restoration and at the end of one complete growing season following the completion of each crossing.
7. Work in wetlands shall be done during low flow conditions.
8. Orange construction fencing shall be placed at the limits of construction adjacent to the proposed wetland impact areas to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. An Invasive Species Program as outlined in the "Invasive Species Control and Monitoring Program - The Neighborhoods at Woodland Pond Manchester, NH" dated January, 2006 and received June 9, 2006 and shall include monitoring by an environmental professional to be conducted at least twice during the growing season. This invasive species program will continue for 5 years during construction and for 5 year following the construction.
20. The applicant shall be required to contribute \$10,000 per year to The Nature Conservancy starting with the first contribution to be paid before the start of construction. Each additional \$10,000 payment shall be paid to the Nature Conservancy by July 1 each year following construction for a total of 5 payments.

With Findings:

1. The permit rule waiver will allow an extension of the permit for 5 years where a majority of the work under the permit is complete.
2. The extension will allow mitigation to be completed for Lots 1 and 2 and for access to Lot 4 to be completed as designed under the permit.
3. Invasive species management will continue under the new permit.
4. All other permit conditions will be complied with.
5. Due to economic downturn and foreclosure the project was not able to be finished under the original time frames.
6. Senate Bill 38 allows 5 year extensions for all wetlands and shoreland permits effective August 6, 2011.

**2008-01389                      NH DEPT OF TRANSPORTATION**  
**WESTMORELAND   Unnamed Stream**

Requested Action:

Amend permit to include 15 feet of toe wall within the previously permitted work area.

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Conservation Commission/Staff Comments:

Cons. Comm. no comment

APPROVE AMENDMENT:

Install a concrete invert in a 15 ft. x 165 ft. partially collapsed stone arch culvert and amend permit to include 15 feet of toe wall impacting 2,975 sq. ft. of stream and banks (477 sq. ft. temporary). NHDOT project #66021A.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Rail and Transit dated 7-11-08 as received by the Department on October July 21, 2008 and amended per plan dated June 28, 2011 as received on July 1, 2011.
2. Dredged material shall be placed for stabilization or out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall minimize the impacts within surface waters as noted in the construction sequence.
5. The tracks or tires of the equipment crossing the stream shall be devoid of soil material prior to the two crossings.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Bank repair shall be constructed within seven days of the culvert repair.
11. Work shall be done during low flow.
12. The file shall be notified in writing at least 24 hours prior to the project start date.
13. Photos of the project shall be submitted to the file within 30 days of stabilization.

ADDED

14. The applicant shall continue to work with the NH Fish and Game on the baffle and substrate design.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. During construction it was found that a portion of the wall was undermined and 23 sq. ft. of toe wall is needed within the previously permitted temporary impact area.

**2010-01739                      NH DEPT OF TRANSPORTATION**  
**WALPOLE   Houghton Brook**

Requested Action:

Request to amend permit to include 71 linear feet of toe wall within the existing permitted impact area.

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Conservation Commission/Staff Comments:

Cons. Comm. requests the repaired project maintain access as a recreational trail.

APPROVE AMENDMENT:

Repair a portion of a 19 ft. x 19 ft. stone arch culvert which partially collapsed by placing a concrete section in the top, removing the fill inside and constructing 71 linear feet of toe walls impacting 1,700 sq. ft. of stream and banks (1,629 sq. ft. temporary) NHDOT project #66017J.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Rail and Transit revised 8/25/10, additional information as received by the Department on Aug. 26, 2010 and amendment received on July 1, 2011.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Work shall be done during low flow.
12. Stabilization of swale shall be stone to the top of bank.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of stream and banks.
2. During construction it was found that portions of the walls were undermined and 71 sq. ft. of toe walls are needed within the previously permitted temporary impact area.

**2011-01176                      OZZIR PROPERTIES LLC**  
**DANVILLE   Unnamed Stream**

Requested Action:

Dredge and fill a total of 9,207 sq. ft. of palustrine forested / scrub-shrub wetlands, containing an intermittent stream, at four (4) locations to construct a roadway with culvert crossings to access an assisted living facility.

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Conservation Commission/Staff Comments:

No report or comments were received from the Danville Conservation Commission on this application.

APPROVE PERMIT:

Dredge and fill a total of 9,207 sq. ft. of palustrine forested / scrub-shrub wetlands, containing an intermittent stream, at four (4) locations to construct a roadway with culvert crossings to access an assisted living facility.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated February 28, 2011, as received by the NH Department of Environmental Services (DES) on May 24, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
8. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2011-00314                      CONNELLY, ANN/NEIL**  
**SPOFFORD   Spofford Lake**

Requested Action:

Permanently remove an existing 6 ft x 30 ft seasonal dock, install a 3 ft 6 in x 30 ft seasonal dock accessed by a 5 ft x 3 ft granite stair, construct a 400 sq ft perched beach with less than 10 cubic yards of sand, and remove 7 linear feet of retaining wall on an average of 256 feet of shoreline frontage on Spofford Lake, in Spofford.

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Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

APPROVE PERMIT:

Permanently remove an existing 6 ft x 30 ft seasonal dock, install a 3 ft 6 in x 30 ft seasonal dock accessed by a 5 ft x 3 ft granite stair, construct a 400 sq ft perched beach with less than 10 cubic yards of sand, and remove 7 linear feet of retaining wall on an average of 256 feet of shoreline frontage on Spofford Lake, in Spofford.

With Conditions:

1. All work shall be in accordance with plans by Don Scott LA Design dated June 21, 2011, as received by the NH Department of Environmental Services (DES) on June 30, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 716). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
14. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal docking structure providing no more than 2 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has an average of 256 feet of shoreline frontage along Spofford Lake.
4. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2011-01187                      HARRIS, LARRY**  
**HAMPTON   Atlantic Ocean**

Requested Action:

Reconstruct and reinforce the existing large stone rip-rap revetment, totaling 3,927 sq. ft., along the ocean frontages of #s 56 & 60 Beach Plum Way which have had stones dislodged by storm surge and thereby lessened the ability of the seawalls to protect the properties during ocean storm events.

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Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of the wetlands permit ..." and requests stipulations.

Inspection Date: 06/10/2011 by Frank D Richardson

APPROVE PERMIT:

Reconstruct and reinforce the existing large stone rip-rap revetment, totaling 3,927 sq. ft., along the ocean frontages of #s 56 & 60 Beach Plum Way which have had stones dislodged by storm surge and thereby lessened the ability of the seawalls to protect the properties during ocean storm events.

With Conditions:

1. All work shall be in accordance with plans by E. J. Cote & Associates, Inc. dated February 10, 2011, as received by the NH Department of Environmental Services (DES) on May 25, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Repairs and reconstruction shall maintain pre-existing size, location and configuration of the seawall.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering the work area.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. Precautions will be taken to avoid damage to beach grass or other sand dune vegetation during construction. Any damage to this vegetation shall be restored at the expense of the permittee.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2011-01523                      WATERVILLE VALLEY BLACK & BLUE TRAIL SMASHERS**  
**WATERVILLE VALLEY   Unnamed Wetland**

Requested Action:

Dredge and fill 1,592 square feet to repurpose an existing ski run to a dry-slope freestyle jump. Work in jurisdiction includes replacing an existing 24" culvert; 627 square feet of the impacts area temporary.

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APPROVE PERMIT:

Dredge and fill 1,592 square feet to repurpose an existing ski run to a dry-slope freestyle jump. Work in jurisdiction includes replacing an existing 24" culvert; 627 square feet of the impacts area temporary.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering LLC entitled Waterville Valley Black and Blue Trail Smashers: Multi-Lane Freestyle Jump dated May 2011, as received by DES on June 27, 2011.
2. Temporary impacts shall be restored to pre-construction conditions.
3. Mulch within the restored temporary impact areas shall be straw.
4. Seed mix within the restored temporary impact areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by



mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

14. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minimum Impact Project per Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows and Env-Wt 303.04(x) maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.

2. The applicant provided a letter from the owner of property located at Town of Waterville Valley tax map 104 lot 6 waiving the NH Wetlands Bureau requirement of maintaining a 20 foot setback.

3. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04 Requirements for Application Evaluation, has been considered in the design of the project.

6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**FORESTRY NOTIFICATION**

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**2011-01667                      MULHOLLAND, CATHERINE**  
**GRAFTON   Unnamed Stream**

**COMPLETE NOTIFICATION:**

Grafton Tax Map/Lot# 7/1078, 0664 & 12 / 0707

**2011-01740                      THOMPSON, THOMAS**  
**NEW IPSWICH   Unnamed Stream**

**COMPLETE NOTIFICATION:**

New Ipswich Tax Map 2, Lot# 32

**2011-01743                      HAWES, BRUCE**  
**COLEBROOK   Unnamed Stream**

**COMPLETE NOTIFICATION:**

Colebrook Tax Map 232, Lot# 6

**2011-01757                      AWA FUND**  
**NEW DURHAM   Unnamed Stream**

COMPLETE NOTIFICATION:

New Durham Tax Map/Lot# 245/27 & 248/39

**2011-01758 VAN BLARCOM, EDWARD  
PETERBOROUGH Unnamed Stream**

COMPLETE NOTIFICATION:

Pterboro Tax Map R10, Lot# 8-101

**2011-01769 GORDON, ANDREW  
WINCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:

Winchester Tax Map 7, Lot# 34

**2011-01770 MORROW, MARK & WINSTON MORROW III  
FREEDOM Unnamed Stream**

COMPLETE NOTIFICATION:

Freedom Tax Map 8, Lot# 19-1

EXPEDITED MINIMUM

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**2009-02647 FLEISCHMANN, WILLIAM  
SANDOWN Angle Pond**

Requested Action:

Amend permit to replace the existing 3 ft x 11 ft seasonal dock with a 4 ft x 24 ft seasonal dock on an average of 50 ft of frontage on Angle Pond, Sandown.

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Conservation Commission/Staff Comments:

Con Com submitted signed copy of application

APPROVE AMENDMENT:

Repair an existing 57 linear feet of retaining wall "in kind", remove an existing 3 ft x 11 ft seasonal dock and install a 4 ft x 24 ft seasonal dock on an average of 50 ft of frontage, Angle Pond, Sandown.

With Conditions:

1. All work shall be in accordance with plans by Points North Design Group dated April 28, 2010, as received by DES on May 05, 2010 and dock plans by Points North Design Group revision dated July 01, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.

4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
6. Work shall be done during drawdown.
7. Area shall be regraded to original contours following completion of work.
8. Repair shall maintain existing size, location and configuration.
9. This permit does not allow for the removal of any trees or shrubs from the frontage.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of retaining walls that is performed in the dry during drawdown.

**2011-00716                      PAGE, DARLENE/ROBERT**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Correct condition number 3 with regards to abutter setback.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE AMENDMENT:

Permanently remove an existing 4 ft x 24 ft seasonal dock, install a 6 ft x 40 ft seasonal dock, repair "in kind" 129 linear feet of retaining wall, retain two seasonal PWC lifts located along the shoreline in the center of the frontage, on an average of 84 ft of frontage on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management revision dated June 10, 2011, as received by the NH Department of Environmental Services (DES) on June 27, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. Wall repair shall be done in the dry with no work in the water.
7. Repair shall maintain existing size, location and configuration.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock.
2. The applicant submitted notarized abutter permission letter for work within the abutting 20 ft setback.

**2011-01150                      DOUCETTE FAMILY TRUST, CHARLES**  
**CANDIA   Unnamed Wetland**

**Requested Action:**

Dredge and fill 1,070 square feet of palustrine forested wetland for the construction a driveway and installation of a 12-inch RCP culvert for access to buildable upland for a single family residential lot as part of a 2-lot subdivision of approximately 6.217 acres.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

See findings.

**APPROVE PERMIT:**

Dredge and fill 1,070 square feet of palustrine forested wetland for the construction a driveway and installation of a 12-inch RCP culvert for access to buildable upland for a single family residential lot as part of a 2-lot subdivision of approximately 6.217 acres.

**With Conditions:**

1. All work shall be in accordance with the 'Subdivision Plan' by James E. Franklin, LLC. dated June 1, 2011, as received by the NH Department of Environmental Services (DES) on June 29, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. DES Southeast region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
10. No fill shall be done for lot development.
11. No fill shall take place in Atlantic white cedar swamps.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. On May 23, 2011, DES received a Minimum Impact Expedited Application (the "Application") from the owner, Charles Doucette, (the "applicant") as authorized through Mr. Doucette's agent, James E. Franklin, LLS No. 733 (the "Agent").
2. On May 23, 2011, DES issued a 'Application Returned Due to Missing Information' letter to the applicant identified one (1) item missing from the application: the Natural Heritage Bureau ("NHB") file number (on application) or NHB letter with map.
3. On May 27, 2011, DES received the requested NHB letter and issued the 'Notice of Acceptance of Permit Application'.
4. The Candia Conservation Commission (the "Commission") signed the Application.
5. No Federal agencies commented on the project.
6. A memo dated 5/25/2011 from the NHB stated, "We [NHB] currently have no recorded occurrences for sensitive species near this project area."
7. On June 11, 2011, DES received concerns via email from an abutter, Linda Doucette, regarding the Application. In summary, Mrs. Doucette's expressed concerns regarding the drainage issues affecting her property.
8. On June 24, 2011, DES issued a 'Request for More Information' (the "RFMI") to the applicant and agent. The RFMI requested

four (4) items to clarify the Application:

- a.) Respond to Env-Wt 302.04(b) 1-5;
- b.) Clarify the resource area to be impacted;
- c.) Provide a revised plan depicting the proposed culvert; and,
- d.) Provide a recorded deed to confirm ownership.

9. On June 27, 2011, DES received a letter from the Commission stating, "an abutter (Mrs. Doucette) to the property has brought concerns to us [the Commission] regarding this project. This new information has caused us to question the project." Mrs. Doucette has concerns regarding approvals within the Town of Candia, ownership of the property and drainage issues.

10. On June 29, 2011, DES received information from the agent satisfying the requests of the RFMI. The response included the following information:

- a.) The agent has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project;
- b.) The agent clarified the wetland type;
- c.) The plan was revised to reflect the proposed culvert and the agent explained there is no flow channel present; and,
- d.) The agent provided a copy of the recorded deed confirming that the applicant owns the property.

11. DES finds that the response to the RFMI satisfies the concerns of Mrs. Doucette regarding drainage issues and the validity of the ownership of the property.

12. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.

13. The impacts are necessary to obtain access to buildable uplands; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

14. The impacts will occur at the narrowest section of wetlands; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under

**2011-01426                      CASTONGUAY, FAYE/PATRICK**  
**NOTTINGHAM   Unnamed Wetland**

**Requested Action:**

Impact a total of 2,330 square feet of wetlands to construct a pond, including dredge of 2,210 square feet for pond, and fill 120 square feet for pond berm.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact a total of 2,330 square feet of wetlands to construct a pond, including dredge of 2,210 square feet for pond, and fill 120 square feet for pond berm.

**With Conditions:**

1. All work shall be in accordance with plans by Landry Surveying, LLC dated June 2011, as received by the NH Department of Environmental Services (DES) on 6/17/2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond with less than 20,000 square feet of wetlands impact pursuant to Env-Wt 303.04(p)(1)-(4).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided

evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. Part of the pond is to be constructed in the uplands.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Natural Heritage Inventory as occurring in the project vicinity.

5. The Nottingham Conservation Commission signed the expedited minimum impact application.

**2011-01544 DOVER, CITY OF**  
**DOVER Unnamed Wetland**

Requested Action:

The University of New Hampshire will utilize its ARM fund grant to significantly restore and reconnect Berry Brook to the Cocheco River. The project impacts 1,300 sq.ft. of wetland that will be restored following project completion. The project will significantly restore 0.9 miles of 1st order stream, create and protect 196,186 sq.ft. of upland buffer, restore and create 246,903 sq. ft. of wetlands, and reconnect Berry Brook to the Cocheco River.

\*\*\*\*\*

APPROVE PERMIT:

The University of New Hampshire will utilize its ARM fund grant to significantly restore and reconnect Berry Brook to the Cocheco River. The project impacts 1,300 sq.ft. of wetland that will be restored following project completion. The project will significantly restore 0.9 miles of 1st order stream, create and protect 196,186 sq.ft. of upland buffer, restore and create 246,903 sq. ft. of wetlands, and reconnect Berry Brook to the Cocheco River.

With Conditions:

1. All work shall be in accordance with plans by UNH Stormwater Center dated June 6, 2011, as received by the NH Department of Environmental Services (DES) on June 29, 2011. Final full size plans shall be submitted for review and approval.
2. Temporary disturbance to wetland areas shall be stabilized and restored following completion of work.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. No fill shall be done for lot development.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This project is deemed minimum impact according to Rule Env-Wt 303.04(t).

**2011-01622 SABER, EDWARD**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Repair 3 tie off piles adjacent to a 4 ft x 30 ft seasonal dock on Lake Winnepesaukee, Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair 3 tie off piles adjacent to a 4 ft x 30 ft seasonal dock on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on July 08, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**GOLD DREDGE**

\*\*\*\*\*

**2011-01756                      BARROWS JR., BERDET**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:

cc Bath ConCom

**2011-01781                      CONTOIS, TODD**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:

cc Bath ConCom

**2011-01821                      BEAUPRE, CHRISTOPHER**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath ConCom

**2011-01822                      RAMO, SHELIA**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath ConCom

**2011-01824                      RAMO, MICHAEL**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath ConCom

#### TRAILS NOTIFICATION

\*\*\*\*\*

**2011-01532                      THE HILLS AT CROCKETT FARM**  
**STRATHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Stratham Tax Map 3, Lot# 17

**2011-01711                      WASTE MGMT OF NH INC**  
**ROCHESTER   Isinglass River**

COMPLETE NOTIFICATION:  
Rochester Tax Map/Lot# 266/3 & 267/4

#### LAKES-SEASONAL DOCK NOTIF

\*\*\*\*\*

**2011-01265                      MITCHELL, EMILY**  
**PELHAM   Gumpas Pond**

COMPLETE NOTIFICATION:  
Pelham Tax Map 20, Lot# 2-128 Gumpas Pond



**2011-01787                      CUSCIA, GARY**  
**TUFTONBORO   Dan Hole Pond**

COMPLETE NOTIFICATION:  
Tuftonboro Tax Map 35, Lot# 26 Dan Hole Pond

**2011-01803                      RILEY TRUST, LINDA**  
**LACONIA   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Laconia Tax Map 179, Lot# 316 Lake Winnepesaukee

**2011-01804                      STEINBERG, MICHAEL**  
**WAKEFIELD   Lovell Lake**

COMPLETE NOTIFICATION:  
Wakefield Tax Map 204, Lot# 25 Lovell lake

**2011-01805                      SCHOR, JAMES & SHARON NAHILL**  
**MEREDITH   Lake Wakewan**

DISQUALIFY TRAIL/FORESTRY/DOCK NOTIFICTN:  
Disqualification of a proposed installation of a seasonal docking structure.

#### ROADWAY MAINTENANCE NOTIF

\*\*\*\*\*

**2011-01768                      GILMANTON, TOWN OF**  
**GILMANTON   Unnamed Stream Unnamed Wetlands**

COMPLETE NOTIFICATION:  
Replace two existing culverts

**2011-01806                      GREEN, DONALD**  
**STODDARD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Replace an existing 12" CMP with an 18" HDPE

#### PERMIT BY NOTIFICATION

\*\*\*\*\*

**2011-01719                      PSNH**  
**FARMINGTON   Unnamed Wetland**

Requested Action:

Impact a total of 2 square feet of wetlands for the installation of two residential utility poles.

\*\*\*\*\*

PBN IS COMPLETE:

Impact a total of 2 square feet of wetlands for the installation of two residential utility poles.

**2011-01747                      LOCKITT, JOHN**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2011-01767                      JOLLY ISLAND LLC**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**CSPA PERMIT**

\*\*\*\*\*

**2010-01981 CONGORAN, TOM & KELLY**  
**NELSON Nubanusit Lake**

Requested Action:

AMENDMENT DESCRIPTION: Revised plans submitted July 29, 2011 requesting to include the repair and replacement of the dwelling foundation piers with mechanized equipment.

Impact 3,306 sq ft for the construction of a gravel access drive.

\*\*\*\*\*

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Revised plans submitted July 29, 2011 requesting to include the repair and replacement of the dwelling foundation piers with mechanized equipment.

Impact 3,306 sq ft for the construction of a gravel access drive.

With Conditions:

1. All work shall be in accordance with plans by Fieldstone Land Consultants, PLLC dated July 23, 2010 and received by the NH Department of Environmental Services (DES) on July 29, 2010.
2. No more than 3.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-01393 SIMARD, JOHN/LEA**  
**NEW DURHAM Merrymeeting Lake**

Requested Action:

Impact 2030 sq feet for the purpose of constructing a driveway to an existing primary structure, retaining walls, access stairs, and the implementation of a stormwater management system including the installation of catch basins, drywells, and culvert replacement.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2030 sq feet for the purpose of constructing a driveway to an existing primary structure, retaining walls, access stairs, and the implementation of a stormwater management system including the installation of catch basins, drywells, and culvert replacement.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc dated May 5, 2011 and received by the NH Department of Environmental Services (DES) on June 14, 2011.
2. No more than 26% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-01504                      GIFFORD, ARTHUR**  
**ALTON   Lake Winnepesaukee**

**Requested Action:**

Impact 530 sq ft for the purpose of installing a new foundation.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 530 sq ft for the purpose of installing a new foundation.

**With Conditions:**

1. All work shall be in accordance with plans submitted by Author Gifford and received by the Department of Environmental Services ("DES") on June 24, 2011.
2. There shall be no increases in impervious area associated with this project.
3. No impacts shall occur to natural ground covers within the waterfront buffer.
4. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
5. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to native vegetation or natural ground cover between 50 feet and 150 feet from the reference line.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-01577                      BLEILER, NANCY/STEPHEN**  
**BRISTOL   Newfound River**

**Requested Action:**

Impact 6,519 sq ft to renovate and expand an existing, commercial-use, primary structure, provide parking, and improve stormwater flow.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 6,519 sq ft to renovate and expand an existing, commercial-use, primary structure, provide parking, and improve stormwater flow.

**With Conditions:**

1. All work shall be in accordance with plans by Joanne Coppinger, P.E. dated June 27, 2011 and received by the NH Department of Environmental Services (DES) on July 1, 2011.
2. No more than 28.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 157 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. All pervious surfaces shall be designed, installed, and maintained as necessary to absorb and infiltrate at least that amount of stormwater necessary to ensure that there shall be no increase in stormwater run-off from this site as a result of their installation.

**2011-01623                      FANEUIL INVESTORS GROUP LTD  
SANBORNTON   Winnisquam Lake**

**Requested Action:**

Impact 6200 sq ft to upgrade existing driveway and road surfaces and install stormwater management improvements.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 6200 sq ft to upgrade existing driveway and road surfaces and install stormwater management improvements.

**With Conditions:**

1. All work shall be in accordance with plans by Farmhouse Land Development as revised July 5, 2011 and received by the NH Department of Environmental Services (DES) on July 8, 2011.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2011-01625                      BOURQUE, JOSEPH  
NEW HAMPTON   Winona Lake**

Requested Action:

Impact 2598 sq ft for the purpose of replacing an existing non-conforming structure with a more nearly conforming structure outside the 50 ft waterfront buffer, restoring the pre-existing structures footprint with lawn, and temporary impacts associated with the installation of a new septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2598 sq ft for the purpose of replacing an existing non-conforming structure with a more nearly conforming structure outside the 50 ft waterfront buffer, restoring the pre-existing structures footprint with lawn, and temporary impacts associated with the installation of a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Joanne K. Coppinger, P.E. dated June 28, 2011 and received by the NH Department of Environmental Services (DES) on July 8, 2011.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 11% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 2,753 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-01645                      PICKEREL COVE ESTATES ASSOCIATION**  
**WAKEFIELD   Pine River Pond**

Requested Action:

Impact approximately 200 sq ft of existing altered area (access corridor) for the purpose of installing infiltration trenches, water bars, dry wells, and infiltration steps to prevent/reduce existing erosion.

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APPROVE PERMIT:

Impact approximately 200 sq ft of existing altered area (access corridor) for the purpose of installing infiltration trenches, water bars, dry wells, and infiltration steps to prevent/reduce existing erosion.

With Conditions:

1. All work shall be in accordance with plans by Fred LaCorte, Agent and President of Pickerel Cove Estates Association, dated June 17, 2011 and received by the NH Department of Environmental Services (DES) on July 12, 2011.
2. There shall be no increase in impervious surface areas within the protected shoreland as a result of this project.
3. There shall be no impacts to areas currently existing in an unaltered state within the Natural Woodland Buffer beyond the primary building setback as a result of this project.
4. There shall be no impacts to the bank of Pine River Pond as a result of this proposal. Any impacts within the jurisdiction of the DES Wetlands Bureau will require a separate permit pursuant to RSA 482-A, the New Hampshire Wetlands Statute.

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2011-01675                      LISA A GRONDAHL REVOCABLE TRUST**  
**PORTSMOUTH    Atlantic Ocean**

Requested Action:

Impact 27,558 sq ft for the purpose of constructing a single family residence with attached garage, driveways, accessory structures, and installing a new septic system within the protected shoreland.

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APPROVE PERMIT:

Impact 27,558 sq ft for the purpose of constructing a single family residence with attached garage, driveways, accessory structures, and installing a new septic system within the protected shoreland.

With Conditions:

1. All work shall be in accordance with plans by GZA GeoEnvironmental, Inc. dated July 2011 and received by the NH Department of Environmental Services (DES) on July 14, 2011.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.”
3. No more than 10% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 27,389 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2011-01694                      HAMPSTEAD, TOWN OF**  
**HAMPSTEAD    Walsh Pond**

Requested Action:

Temporarily impact 3,614 sq ft for the purpose of replacing and upgrading an existing drainage system. The new drainage system will include larger culverts for adequate hydraulic capacity, additional catch basins, Stormceptor units and rip-rap swales for stormwater infiltration, and a plunge pool to reduce erosion.

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APPROVE PERMIT:

Temporarily impact 3,614 sq ft for the purpose of replacing and upgrading an existing drainage system. The new drainage system

will include larger culverts for adequate hydraulic capacity, additional catch basins, Stormceptor units and rip-rap swales for stormwater infiltration, and a plunge pool to reduce erosion.

**With Conditions:**

1. All work shall be in accordance with plans by SFC Engineering Partnership Inc. dated July 30, 2011 and received by the NH Department of Environmental Services (DES) on July 18, 2011.
2. No more than 5.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. No work shall occur within the bank of Wash Pond. Any work within the jurisdiction of the DES Wetlands Bureau will require a separate permit.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-01699                      BROCK/QUINN, PAUL/ADRIENNE**  
**HARRISVILLE   Lake Skatutakee**

**Requested Action:**

Impact 860 sq ft for the purpose of constructing a 460 sq ft addition to an existing residence and implementation of a stormwater management plan (infiltration trenches).

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**APPROVE PERMIT:**

Impact 860 sq ft for the purpose of constructing a 460 sq ft addition to an existing residence and implementation of a stormwater management plan (infiltration trenches).

**With Conditions:**

1. All work shall be in accordance with plans by DB Architects LLC dated July 8, 2011 and received by the NH Department of Environmental Services (DES) on July 18, 2011 and July 27, 2011.
2. No more than 23.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to areas existing in an unaltered state located within the Natural Woodland Buffer beyond the primary building setback.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the



structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-01700                      NEWTON, ROBERT**  
**WOLFEBORO   Wentworth Lake**

Requested Action:

Impact 1,918 sq ft for the purpose of constructing a new effluent disposal system for an existing home.

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APPROVE PERMIT:

Impact 1,918 sq ft for the purpose of constructing a new effluent disposal system for an existing home.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated July 7, 2011 and received by the NH Department of Environmental Services (DES) on July 18, 2011.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 23.24% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. There shall be no impacts to the areas currently existing in an unaltered state located within the Natural Woodland Buffer beyond the primary building setback in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2011-01701                      SAMUELSON, JOANIE**  
**EAST WAKEFIELD   Province Lake**

Requested Action:

Impact 706 sq ft in order to install a 256 sq ft patio, replace a retaining wall, and install landscaping to control erosion within the waterfront buffer.

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APPROVE PERMIT:

Impact 706 sq ft in order to install a 256 sq ft patio, replace a retaining wall, and install landscaping to control erosion within the waterfront buffer.

With Conditions:

1. All work shall be in accordance with plans by Joanie Samuelson dated July 1, 2011 and received by the NH Department of Environmental Services (DES) on July 18, 2011.
2. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

## CSPA PERMIT W/WAIVER

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**2011-01547                      BLOHM, DAVID/MARY**  
**NEWBURY   Sunapee Lake**

### Requested Action:

Impact 14,883 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures and installing stormwater controls.

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### APPROVE PERMIT:

Impact 14,883 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures and installing stormwater controls.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

### With Conditions:

1. All work shall be in accordance with plans by Bristol, Sweet & Associates and received by the Department of Environmental Services ("DES") on June 29, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 27.9% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
6. No impacts shall occur to natural ground covers within the waterfront buffer beyond that necessary for construction of a single walkway to the waterbody as delineated on plans received by DES.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 2,339 sq ft of unaltered area between 50 ft and 150 ft of the reference line, as delineated on plans received by DES must remain in an unaltered state.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

17. Silt fencing must be removed once the area is stabilized.

18. Upon completion of the proposed project, the exiting septic system shall pose no threat to adjacent surface waters.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Sunapee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to achieve a greater setback from the reference line.

4. The applicant has proposed to decrease impervious area within the protected shoreland.

5. The applicant has proposed to install stormwater controls consisting of (5) rain gardens.

6. The applicant has proposed to install stormwater controls consisting of (3) underground chambers and detention areas that will collect stormwater from gutters and downspouts.

7. The applicant has proposed to reduce the driveway grade from 15% to 11% as well changing the direction of the driveway to a more westerly direction to better handle storm water runoff.

8. The applicant has proposed to install significant stormwater controls, achieve a greater setback from the reference line and reduce impervious surface coverage within the waterfront buffer and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.